
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JULY 28, 2021.

[75]*

JOURNAL OF THE HOUSE.

Wednesday, July 28, 2021.

Met according to adjournment at eleven o'clock A.M., under emergency rules, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayer.

During the session the Chair (Ms. Hogan of Stow) declared a brief recess; and at the request of Mr. Ryan of Boston, the members and employees stood in a moment of silent tribute to the memory of Francis J. "Frank" Garvin.

Francis J.
"Frank"
Garvin.

Born in Charlestown, Frank began his career with the Chelsea Police Department in 1974; subsequently graduating as part of the 197th class of the FBI Academy in 1995. Frank was Chief of the Chelsea Police Department from 2001-2007. Frank was also a professor at Bunker Hill Community College, teaching criminal justice classes.

Never one to shy away from a challenge, Frank decided his next conquest would be Hollywood. He was a member of the Screen Actors Guild; with roles in such shows as *The Odd Couple*, *Plaza Suite*, *The Brotherhood*, *The Town* and *Manchester by the Sea*.

He was the son of the late Francis and Bridget Garvin (Kelly). Frank is predeceased by his younger sister Jacquelyn. Frank never forgot how much he loved his siblings, Gail, Sherry, husband Roy, Edward, wife Katie, and Jacquelyn. He is survived by his beloved wife Anne Marie and his only son, Brendan, who Frank would always say was his favorite son. He was 74 years of age.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules, that Joint Rule 7B be suspended on the joint petition of Natalie M. Higgins and John J. Cronin (with the approval of the mayor and city council) relative to providing for special police officers in the city of Leominster. Under suspension of the rules, on motion of Mr. Wong of Saugus, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Leominster,—
special police.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of Gerard J. Cassidy and Michael D. Brady for legislation to designate the Department of Unemployment Assistance building in the city of Brockton as the C. Gerald Lucey building. Under suspension of the rules, on motion of Mr. Wong of Saugus, the report was considered forthwith. Joint Rule 12 was

Brockton,—
Gerald Lucey
building.

suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

By Mr. Lawn of Watertown, for the committee on Health Care Financing, asking to be discharged from further consideration of the House Bill to promote student nutrition (House, No. 715),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence, insomuch as relates to the discharge of the committee.

Student
nutrition.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Further regulating storage of alcoholic beverages (House, No. 338);

Alcohol.
Concussion,—
prevention.

To prevent concussion and head injury (House, No. 540) [Representative Diggs of Barnstable, of the committee on Education, dissenting];

Schools.

Relative to school operational efficiency (House, No. 596);

CPR and
defibrillators.

Requiring instruction in CPR and the use of defibrillators for high school graduation (House, No. 610);

Concerning disposable menstrual products in schools (House, No. 690);

Menstruation.

To repeal Chapter 404 of the Acts of 2008 (House, No. 2190) [Local Approval Received];

North Andover,—
town manager.

Finalizing the transfer of land in the town of Middleton (House, No. 3178);

Middleton.

Establishing a sick leave bank for Julie DeRosa, an employee of the Department of Mental Health (House, No. 3915); and

Julie
DeRosa.

Establishing a sick leave bank for Christina Ruccio, an employee of the Suffolk County Sheriff's Department (House, No. 3927);

Christina
Ruccio.

Under suspension of Rule 7A, in each instance, on motion of Mr. Wong of Saugus, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill relative to license plate year of manufacture registration (House, No. 3484).

License plate
registration.

By the same member, for the same committee, on a petition, a Bill relative to Massachusetts drivers [sic] license information (House, No. 3517).

Licenses,—
contacts.

By the same member, for the same committee, on a petition, a Bill relative to gender identity on Massachusetts identification (House, No. 3521).

Identification,—
gender.

By the same member, for the same committee, on a petition, a Bill promoting personal access of driving records (House, No. 3539).

Driving
records.

By the same member, for the same committee, on a petition, a Bill relative to wireless transmissions from motor vehicles (House, No. 3598).

Wireless
transmissions.

By the same member, for the same committee, on a petition, a Bill relative to all-electronic tolling data privacy (House, No. 3601).

Electronic
tolling.

By the same member, for the same committee, on House, Nos. 3498 and 3603, a Bill relative to antique motor vehicle inspections (House, No. 3603, changed in line 3 by striking out the figures: "50" and inserting in place thereof the figures: "45").

Antique cars,—
inspections.

By the same member, for the same committee, on a petition, a Bill relative to transportation infrastructure value capture (House, No. 3608).

Transportation
infrastructure.

By the same member, for the same committee, on a joint petition, a Bill relative to unmanned aerial systems (House, No. 3609).

Drones.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Arciero of Westford, for the committee on Housing, on a petition, a Bill relative to the design, development, construction and operation of a senior low-income and affordable housing project located at 144 Greenmont Avenue in the town of Dracut (House, No. 3722) [Local Approval Received].

Dracut,—
housing.

By the same member, for the same committee, on a petition, a Bill further regulating certain affordable housing in Ipswich, Massachusetts (House, No. 3809) [Local Approval Received].

Ipswich,—
housing.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill relative to special regulations for vehicle specific checkpoints (House, No. 3447).

Vehicle
checkpoints.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mrs. Ferguson of Holden (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at eighteen minutes after one o'clock the House was called to order with Ms. Hogan of Stow in the Chair.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 157 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 75.

[See [Yea and Nay No. 75](#) in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Mr. Michlewitz of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4019), returning with his disapproval of parts of certain items contained in the engrossed Bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4002), reported, in part, that parts of certain items stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General
Appropriation
Bill.

Mr. Honan of Boston, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Michlewitz of Boston, the matters were considered forthwith, as follows:

Item 1595-6370 (contained in section 2E) (CTF Transfer to RTA's), which had been reduced by the Governor, then was considered.

The Governor had reduced said item from \$94,000,000 to \$90,500,000.

After remarks on the question on passing said item, notwithstanding the reduction of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 158 members voted in the affirmative and 1 in the negative.

[See [Yea and Nay No. 76](#) in Supplement.]

Therefore item 1595-6370 passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-0102 (contained in section 2) (programs for homeless individuals), which had been disapproved by the Governor, then was considered.

The Governor had stricken certain wording.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 129 members voted in the affirmative and 30 in the negative.

[See [Yea and Nay No. 77](#) in Supplement.]

Therefore item 7004-0102 was passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2310-0200 (contained in section 2) (Division of Fisheries and Wildlife), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$16,181,737 to \$16,081,737.

On the question on passing said item, notwithstanding the reductions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 135 members voted in the affirmative and 24 in the negative.

[See [Yea and Nay No. 78](#) in Supplement.]

Therefore item 2310-0200 passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7061-9010 (contained in section 2) (charter school temporary reimbursement and capital facilities payments), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$154,604,742 to \$151,704,742.

On the question on passing said item, notwithstanding the reductions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 155 members voted in the affirmative and 3 in the negative.

[See [Yea and Nay No. 79](#) in Supplement.]

[Ms. Sullivan of Abington answered "Present" in response to her name.]

Therefore item 7061-9010 passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-0101 (contained in section 2) (emergency housing assistance - family shelters and services), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$196,960,750 to \$196,810,750.

On the question on passing said item, notwithstanding the reductions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter

CTF transfer
to RTA's
item 1595-6370
stands,—
yea and nay
No. 76.

Programs
for homeless
individuals
item 7004-0102
stands,—
yea and nay
No. 77.

Division
of Fisheries
and Wildlife
item 2310-0200
stands,—
yea and nay
No. 78.

Charter school
temporary
reimbursement
and capital
facilities
payments
item 7061-9010
stands,—
yea and nay
No. 79.

Emergency
housing

I, Section I, Article II of the Constitution; and on the roll call 141 members voted in the affirmative and 18 in the negative.

[See [Yea and Nay No. 80](#) in Supplement.]

Therefore item 7004-0101 passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2000-0101 (contained in section 2) (climate change adaptation and preparedness), which had been disapproved by the Governor, then was considered.

The Governor had stricken certain wording.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 135 members voted in the affirmative and 24 in the negative.

[See [Yea and Nay No. 81](#) in Supplement.]

Therefore item 2000-0101 (contained in section 2) was passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 2511-0100 (contained in section 2) (Department of Agricultural Resources), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$9,226,466 to \$9,176,466.

On the question on passing said item, notwithstanding the reductions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 156 members voted in the affirmative and 3 in the negative.

[See [Yea and Nay No. 82](#) in Supplement.]

Therefore item 2511-0100 passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8900-0001 (contained in section 2) (Department of Correction facilities), which had been disapproved by the Governor, then was considered.

The Governor had stricken certain wording.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 132 members voted in the affirmative and 27 in the negative.

[See [Yea and Nay No. 83](#) in Supplement.]

Therefore item 8900-0001 (contained in section 2) was passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 5011-0100 (contained in section 2) (Department of Mental Health), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$30,173,790 to \$30,023,790.

On the question on passing said item, notwithstanding the reductions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 147 members voted in the affirmative and 12 in the negative.

[See [Yea and Nay No. 84](#) in Supplement.]

assistance –
family shelters
and services
item 7004-0101
stands,—
yea and nay
No. 80.

Climate change
adaptation and
preparedness
item 2000-0101
stands,—
yea and nay
No. 81.

Department
of Agricultural
Resources
item 2511-0100
stands,—
yea and nay
No. 82.

Department
of Correction
facilities
item 8900-0001
stands,—
yea and nay
No. 83.

Department of
Mental Health
item 5011-0100
stands,—
yea and nay
No. 84.

Therefore item 5011-0100 passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 8200-0200 (contained in section 2) (Municipal Police Training Council), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$4,577,545 to \$3,577,545.

On the question on passing said item, notwithstanding the reductions of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 85](#) in Supplement.]

Therefore item 8200-0200 passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1595-6369 (contained in section 2E) (CTF transfer to MBTA), which had been disapproved by the Governor, then was considered.

The Governor had stricken certain wording.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 29 in the negative.

[See [Yea and Nay No. 86](#) in Supplement.]

Therefore item 1595-6369 (contained in section 2E) was passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-9316 (contained in section 2) (residential assistance for families in transition), which had been disapproved by the Governor, then was considered.

The Governor had stricken certain wording.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 151 members voted in the affirmative and 8 in the negative.

[See [Yea and Nay No. 87](#) in Supplement.]

Therefore item 7004-9316 (contained in section 2) was passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 99 (charitable deduction delay), which had been vetoed by the Governor, then was considered.

After debate on the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 124 members voted in the affirmative and 35 in the negative.

[See [Yea and Nay No. 88](#) in Supplement.]

Therefore section 99 was passed, notwithstanding the objections of the Governor (more than two-thirds of members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 121 (COVID-19 impacts on children's behavioral health study), which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays,

Municipal Police
Training Council
item 8200-0200
stands,—
yea and nay
No. 85.

CTF transfer
to MBTA
item 1595-6369
stands,—
yea and nay
No. 86.

Residential
assistance
for families
in transition
item 7004-9316
stands,—
yea and nay
No. 87.

Charitable
deduction
delay
section 99
stands,—
yea and nay
No. 88.

Children's
behavioral

as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 147 members voted in the affirmative and 12 in the negative.

[See [Yea and Nay No. 89](#) in Supplement.]

Therefore section 121 was passed, notwithstanding the objections of the Governor (more than two-thirds of members present and voting having voted in the affirmative). Sent to the Senate for its action.

health study
section 121
stands,—
yea and nay
No. 89.

Prior to the noon recess (Mr. Donato of Medford being in the Chair), Mr. Michlewitz of Boston, for the committee on Ways and Means, reported that the House Bill preserving open space in the Commonwealth (House, No. 851), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Open
spaces.

Mr. Honan of Boston, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Wong of Saugus, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recess having terminated (Ms. Hogan of Stow being in the Chair), under suspension of the rules, on motion of Ms. Balser of Newton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Mr. Donato of Medford being in the Chair,—

House bills

To change the name of the board of selectmen in the town of Burlington to select board (House, No. 2166); and

Third
reading
bills.

Relative to the fire department of the town of Fairhaven (House, No. 2782) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Ms. Hogan of Stow being in the Chair,—

The engrossed Bill establishing a hate crimes task force (see House, No. 4003), being a printed copy of Section 6 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment C of House, No. 4019), was considered.

Hate crimes
task force.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 6 of the General Laws is hereby amended by adding the following section:

Section 221. (a) There is hereby established a task force, to be known as the governor’s task force on hate crimes.

(b) The task force shall consist of the secretary of public safety and security or a designee, who shall serve as co-chair and up to 26 additional members, up to 19 of whom shall be appointed by and serve at the pleasure of the Governor; 1 of whom

shall be appointed by the attorney general; the chairs of the joint committee on the judiciary; the chairs of the joint committee on racial equity, civil rights, and inclusion; and the minority leaders of the house of representatives and senate. The task force may include representatives of victim assistance agencies; advocates for communities affected by hate crimes; the various district attorneys' offices; state, local and university police departments; educators and students; and others with expertise or experience in hate crimes issues. One of the persons appointed by the governor shall be designated by the governor to serve as co-chair.

(c) The task force shall advise the governor and legislature on issues relating to the prevalence, deterrence, and prevention of hate crimes in the commonwealth and the support of victims of hate crimes. Additionally, the task force shall:

(1) Promote full and effective cooperation and coordination among law enforcement agencies and communities affected by hate crimes, to improve prevention, investigation, and prosecution of hate crimes;

(2) Develop best practices related to technical assistance for school districts that may seek to incorporate hate crime education into their curricula;

(3) Recommend policies, procedures and programs to ensure state and local government provide enhanced support for victims of hate crimes and their communities;

(4) Encourage and assist law enforcement agencies in hate crimes reporting pursuant sections 32 to 35, inclusive, of chapter 22C, including assistance in gathering, analyzing, and publishing hate crime reports;

(5) Encourage law enforcement agencies to enforce section 39 of chapter 265; and

(6) Recommend any appropriate legislation, regulations, policies or procedures to better combat hate crimes.

(d) The Task Force shall meet at least quarterly each year at the direction of the co-chairs, and shall submit to the governor, the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on the judiciary and the joint committee on public safety and homeland security an annual report that addresses the mission of the task force, targeted objectives, options and recommended actions, and metrics to measure the effect of such recommendations on hate crimes in the commonwealth.

(e) The co-chairs, as needed, may establish subcommittees comprised of members of the task force and non-members drawn from various groups and organizations with expertise or experience in hate crimes issues.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to certain statutory funds and transfers of appropriations (see House, No. 4004), being a printed copy of Sections 7, 102 and 103 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment D of House, No. 4019), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

Statutory
funds and
transfers.

“SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35PPP the following section:

Section 35QQQ. Effective June 30, 2021, there shall be established and set up on the books of the commonwealth a separate fund known as the Student Opportunity Act Investment Fund. The fund shall be credited with: (i) appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund; (ii) funds from public and private sources, including, but not limited to gifts, grants and donations; and (iii) any interest earned on such money. Amounts credited to the fund shall be expended, subject to appropriation, for the implementation of chapter 132 of the acts of 2019. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall not be subject to section 5C of chapter 29.

SECTION 2. Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$250,000,000 during fiscal year 2021 from the General Fund to the Commonwealth’s Pension Liability Fund established in subsection (e) of subdivision (8) of section 22 of chapter 32 of the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$350,000,000 during fiscal year 2021 from the General Fund to the Student Opportunity Act Investment Fund, established in section 35QQQ of chapter 10 of the General Laws.

SECTION 4. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35PPP the following 2 sections:-

Section 35QQQ. (a) There shall be established and set up on the books of the commonwealth a Revere Beach Reservation Trust Fund to be expended, without further appropriation, by the secretary of energy and environmental affairs for the long-term preservation, maintenance, nourishment and public safety of Revere beach in the city of Revere. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund, but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year. Annually, not later than October 1, a report shall be filed with the clerks of the senate and house of representatives and the house and senate committees on ways and means that shall include projects undertaken, expenditures made and income received by the fund.

(b) Not less than 50 per cent of the revenue collected by the department of conservation and recreation from parking stations installed on or after January 1, 2021 and not less than 50 per cent of the revenues generated through parking violations within the Revere beach reservation shall be deposited into the Revere Beach Reservation Trust Fund. Expenditures by the trust shall be used for capital improvements to Revere beach reservation.

(c) Annually, not later than November 30, the department of conservation and recreation shall meet with the mayor of the city of Revere to discuss the maintenance and safety plan for the beach for the next calendar year and the balance and expenditures from the Revere Beach Reservation Trust Fund.

Section 35RRR. There shall be established and set up on the books of the commonwealth a separate fund known as the Student Opportunity Act Investment Fund. The fund shall be credited with: (i) appropriations or other money authorized

or transferred by the general court and specifically designated to be credited to the fund; (ii) funds from public and private sources, including, but not limited to gifts, grants and donations; and (iii) any interest earned on such money. Amounts credited to the fund shall be expended, subject to appropriation, for the implementation of chapter 132 of the acts of 2019. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall not be subject to section 5C of chapter 29.

SECTION 2. Notwithstanding any general or special law to the contrary, upon determination by the secretary of administration and finance that revenues for fiscal year 2022, estimated pursuant to section 5B of chapter 29 of the General Laws, are consistent with the estimates used in the general appropriation act for fiscal year 2022, and that no allotment reductions are needed pursuant to sections 9B and 9C of said chapter 29, the comptroller shall, not later than October 15, 2021, establish a monthly schedule for the duration of said fiscal year transferring no less than: (i) \$350,000,000 to the Student Opportunity Act Investment Fund, established in section 35RRR of chapter 10 of the General Laws; and (ii) \$250,000,000 into the Commonwealth's Pension Liability Fund established in subsection (e) of subdivision (8) of section 22 of chapter 32 of the General Laws; provided, however, that if the secretary determines that the revenue estimates made pursuant to said section 5B of said chapter 29 are inconsistent with those used in the general appropriation act for fiscal year 2022 and insufficient to make said transfers in full, the comptroller shall prorate said transfers to accommodate the updated revenue estimates; and provided further, that if said transfers are prorated, before transferring the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund pursuant to section 5C of said chapter 29, the comptroller shall determine if there is sufficient revenue to increase said transfers up to the full amounts in this section and shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2022 to proportionately increase said transfers up to the full amounts.

SECTION 3. Section 35RRR of chapter 10 of the General Laws shall take effect as of June 30, 2021.

SECTION 4. Except as otherwise specified, this act shall take effect as of July 1, 2021.”.

The amendment was adopted. Sent to the Senate for its action.

The engrossed Bill relative to the water supply protection trust (see House, No. 4005), being a printed copy of Section 8 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment E of House, No. 4019), was considered.

Water supply
protection
trust.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 75 of chapter 10 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word ‘(c)’, in line 95, the following words: ; provided, however, that said salaries, staffing levels and other employee expenses so set forth shall be included in an annual staffing plan.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to alternative compliance payment liens (see House, No. 4006), being a printed copy of Section 12 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment F of House, No. 4019), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 25A of the General Laws is hereby amended by adding the following section:-

Section 18. (a) Upon issuance by the department of a notice of non-compliance, any alternative compliance payment, as defined in 225 CMR 14.02, owed by a retail electric supplier pursuant to sections 11F, 11F1/2 and 17, including any interest, additional amount, addition to debt or assessable penalty under section 7, together with any costs that may accrue in addition thereto, shall constitute a debt to the department. Such debt shall also be a lien in favor of the department upon all property and rights to property, whether real or personal, belonging to the indebted retail electric supplier, including property acquired after the lien arises. The lien shall arise 30 days after the department issues the first notice of non-compliance and shall continue until: (1) the debt is satisfied; (2) a judgment against the retail electric supplier arising out of such debt is satisfied; (3) any such debt or judgment is discharged by the department by a waiver or release under subsection (d); or (4) any such debt or judgment becomes unenforceable by reason of the lapse of time. The lien created in favor of the department for any such alternative compliance payment shall remain in effect for a period of 10 years after issuance of the notice of non-compliance. For a bankruptcy case under the United States Code, the running of the period of limitations in this section shall be suspended for: (i) the period during which the department is prohibited by reason of such case from collecting the lien and (ii) the period during which a plan for payment of the lien is in effect and 6 months thereafter. The running of the period of limitations in this section shall be suspended for the period during which the payment or collection is stayed pursuant to the retail electric supplier contesting the lien. If the lien would extend beyond its initial or any subsequent 10-year period, the department may refile its notice of lien. If any such notice of lien is refiled within the required refiling period, as defined in section 6323(g)(3) of the Internal Revenue Code, the lien in favor of the department shall relate back to the date of the first such lien filing. The department shall promulgate such regulations as may be necessary for the implementation of this subsection.

(b) A lien imposed by this section shall not be perfected as against any mortgagee, pledgee, purchaser, creditor or judgment creditor until notice thereof has been filed by the department:

(1) with respect to real property or fixtures, in the registry of deeds of the county where such property is situated; and

(2) with respect to personal property other than fixtures, in the filing office in which the filing of a financing statement would perfect, under article 9 of chapter 106, an attached nonpossessory security interest in tangible personal property belonging to the retail electric supplier liable to pay the alternative compliance payment as if the retail electric supplier were located in the commonwealth under section 9-307 of said chapter 106. The filing of any such lien or of a waiver or release of any such lien shall

be received and registered or recorded without payment of any fee in the commonwealth.

(c) In any case where an alternative compliance payment becomes due upon issuance of a notice of non-compliance, the department, in addition to other modes of relief, may direct a civil action to be filed in a superior court of the commonwealth to collect the debt or enforce the lien of the department under this section with respect to such liability, or to subject any property of whatever nature, of the indebted retail electric supplier, or in which the supplier has any right, title or interest, to the payment of such liability.

(d) The department may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished. The department shall issue a waiver or release of any lien imposed by this section in any case where the debt for which such lien attached has been paid or legally abated.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

The engrossed Bill relative to post-retirement employment of public retirees (see House, No. 4007), being a printed copy of Section 18 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment G of House, No. 4019), was considered.

Public retirees,—
employment.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 91 of chapter 32 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 97 and 113, the words ‘nine hundred and sixty’ and inserting in place thereof, in each instance, the following figure:- 975.

SECTION 2. Said section 91 of said chapter 32 is hereby further amended by adding the following paragraph:

(f) (1) The secretary of administration and finance may exempt a position for any calendar year from the requirements of paragraphs (a) to (d), inclusive where the secretary finds that a department or agency of the commonwealth, county, city, town, district or authority has a critical shortage of qualified personnel. The department or agency of the commonwealth, county, city, town, district or authority must demonstrate to the secretary that there is a shortage in qualified personnel and that a good-faith effort has been made to hire qualified personnel who have not retired under this chapter. The period of a determination of a critical shortage shall not exceed 1 year, but a public entity may seek to invoke this provision in consecutive years upon a new demonstration of a good-faith effort to hire personnel who have not retired. The secretary shall notify the appropriate public entity of each determination of a critical shortage made for the purposes of this paragraph. Any such retired person who renders service pursuant to this paragraph shall be subject to all laws, rules and regulations governing the employment in such positions. Such person shall not be deemed to have resumed active membership in a system and said service shall not be counted as creditable service toward retirement; provided that the earnings therefrom when added to any pension or retirement allowance the person is receiving do not

exceed the salary that is being paid for the position from which the person was retired or in which his employment was terminated plus \$15,000.

(2) The provisions of this paragraph shall apply to any positions not subject to the provisions of paragraph (e).

SECTION 3. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill repealing certain tax expenditures (see House, No. 4008), being a printed copy of Sections 23, 30, 32, 33, 34 and 145 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment H of House, No. 4019), was considered.

Tax
expenditures.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out subparagraph (G).

SECTION 2. Paragraph 3 of section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out the second to fifth sentences, inclusive.

SECTION 3. This act shall apply for taxable years beginning on or after January 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to the taxation of pass-through entities (see House, No. 4009), being a printed copy of Section 39 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment I of House, No. 4019), was considered.

Pass-through
entities,—
taxation.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The General Laws are hereby amended by inserting after chapter 63B the following chapter:

CHAPTER 63C.

TAXATION OF PASS-THROUGH ENTITIES

Section 1. For taxable years beginning on or after January 1, 2021, an eligible pass-through entity may elect to pay an excise on its qualified income taxable in Massachusetts at a rate of five per cent. A qualified member of an electing pass-through entity shall be allowed a credit against the tax imposed under chapter 62 for the qualified member’s share of such excise paid by the pass-through entity. The credit shall be available to qualified members in an amount proportionate to each member’s share of the pass-through entity’s qualified income taxable in Massachusetts. The credit shall be available for the member’s taxable year in which the pass-through entity’s taxable year ends.

Section 2. This chapter shall not apply to taxable years for which the federal limitation on the state and local tax deduction imposed by Code section 164(b)(6) has expired or is otherwise not in effect.

Section 3. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

‘Code’, the Internal Revenue Code as defined in section 1 of chapter 62 and applicable to the taxable year.

‘Commissioner’, the commissioner of revenue.

‘Eligible pass-through entity’, an S corporation under Code section 1361, a partnership under Code section 701 or a limited liability company that is treated as an S corporation or partnership under those Code sections.

‘Qualified income taxable in Massachusetts’, income of an eligible pass-through entity determined under chapter 62 allocable to a qualified member and included in such member’s Massachusetts taxable income under chapter 62.

‘Qualified member of a pass-through entity’, a shareholder of an S corporation or a partner in a partnership that is a natural person. A qualified member may be a resident, non-resident or a part year resident.

Section 4. The excise under this chapter shall be in addition to, and not in lieu of, any other Massachusetts tax required to be paid, including tax under chapter 62 or chapter 63. The excise under this chapter shall be due and payable on the pass-through entity’s original, timely-filed return. A return that reports the excise shall be due at the same time as a partnership information return or corporate excise return would be due for the entity under chapter 62C. This chapter shall not change any filing requirements for a qualified member under chapter 62C.

Section 5. The collection and administration of the excise under this chapter shall be governed by the provisions of chapter 62C unless expressly stated otherwise in this chapter or in regulations promulgated by the commissioner under this chapter.

Section 6. The election under this chapter shall be made by the eligible pass-through entity on an annual basis in a manner determined by the commissioner. All members of the electing pass-through entity shall be bound by the election. Once made, the election cannot be revoked.

Section 7. The commissioner shall prescribe regulations or other guidance to carry out the purposes of this chapter. Such regulations or other guidance may (i) make the credit available to qualified members with income from eligible pass-through entities that in turn have income from other pass-through entities, (ii) address the application of this chapter to trusts, and (iii) require estimated payments of the excise by electing pass-through entities and their qualified members in a manner consistent with chapter 62B. Such regulations and other guidance shall, to the extent feasible, ensure that an electing pass-through entity and its qualified members pay an aggregate amount of tax under this chapter and chapter 62 that is generally equivalent to the amount of tax that would have been due from those members under chapter 62 in the absence of an election to pay an excise under this chapter.

SECTION 2. This act shall apply for taxable years beginning on or after January 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to parking fees on Department of Conservation and Recreation roads (see House, No. 4010), being a printed copy of Section 42 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with

DCR roads,—
parking fees.

recommendation of amendment (for message see Attachment J of House, No. 4019), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 92 of the General Laws is hereby amended by inserting after section 34E, added by chapter 252 of the acts of 2020, the following section:

Section 34F. (a) There shall be established and set up on the books of the commonwealth a Revere Beach Reservation Trust Fund to be expended, without further appropriation, by the secretary of energy and environmental affairs for the long-term preservation, maintenance, nourishment and public safety of Revere beach in the city of Revere. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund, but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year. Annually, not later than October 1, a report shall be filed with the clerks of the senate and house of representatives and the house and senate committees on ways and means that shall include projects undertaken, expenditures made and income received by the fund.

(b) Not less than 50 per cent of the revenue collected by the department of conservation and recreation from parking stations installed on or after January 1, 2021 and not less than 50 per cent of the revenues generated through parking violations within the Revere beach reservation shall be deposited into the Revere Beach Reservation Trust Fund. Expenditures by the trust shall be used for capital improvements to Revere beach reservation.

(c) Annually, not later than November 30, the department of conservation and recreation shall meet with the mayor of the city of Revere to discuss the maintenance and safety plan for the beach for the next calendar year and the balance and expenditures from the Revere Beach Reservation Trust Fund.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to eligibility for emergency assistance to elderly, disabled residents and children (see House, No. 4011), being a printed copy of Section 47 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment K of House, No. 4019), was considered.

Emergency
assistance,—
eligibility.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 3 of chapter 117A, as appearing in the 2018 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:

A household shall be ineligible for assistance under this chapter if their countable assets, as determined pursuant to department of transitional assistance regulations, exceed the total amount of resources allowed under the federal Supplemental Security

Income program; provided, that vehicles shall be treated as countable assets in the same manner as allowed under the federal Supplemental Security Income program.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to eligibility for transitional aid to families with dependent children (see House, No. 4012), being a printed copy of Section 67 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment L of House, No. 4019), was considered.

Transitional
aid,—
eligibility.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out subsection (b), as appearing in section 62 of chapter 41 of the acts of 2019, and inserting in place thereof the following subsection:

(b) A family shall be eligible for assistance if its countable resources do not exceed \$5000 and they meet all other eligibility criteria; provided, that 1 vehicle shall not count toward the family’s countable resources; and provided further, that an assistance unit shall be allowed the value and balance of a college savings plan for a child established and maintained pursuant to, or consistent with, section 519 of the Internal Revenue Code; provided further, recipients who increase their countable resources above \$5000 while receiving benefits shall continue to be eligible for benefits if all other eligibility criteria continue to be met.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to sexual assault evidence kits (see House, No. 4013), being a printed copy of Sections 74 and 119 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment M of House, No. 4019), was considered.

Sexual assault
evidence kits.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 2A of chapter 5 of the acts of 2019 is hereby amended by striking out item 8100-1014, as amended by section 40 of chapter 142 of the acts of 2019, and inserting in place thereof the following item:

8100-1014. For costs associated with the collection and testing of all previously untested investigatory sexual assault evidence kits by the crime laboratory within the department of state police or by an accredited private crime laboratory designated by the secretary of public safety and security; provided further that the testing of the sexual assault evidence kit shall be in accordance with the state

police crime laboratory regulations for exhaustive testing; provided further, that no post-conviction sexual assault evidence kit shall be tested and such evidence kits shall instead be tested only in accordance with and subject to the requirements of chapter 278A of the General Laws; provided further, that for the purposes of this item, ‘previously untested investigatory sexual assault evidence kits shall mean any sexual assault evidence kit or additional evidence collected contemporaneously with such kit, prior to April 13, 2018 that has not been subjected to a forensic DNA analysis intended to develop an autosomal DNA profile that is eligible for entry into CODIS, as defined in section 1 of chapter 22E of the General Laws, and the state DNA databases; and provided further, that any unexpended funds in this item shall not revert but shall be made available for the purposes of this item until June 30, 2022.....\$8,000,000.

SECTION 2. All previously untested investigatory sexual assault evidence kits provided for under item 8100-1014 of section 2A of chapter 5 of the acts of 2019 shall be sent for testing not later than June 30, 2022.”.

SECTION 3. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. Day of Stoneham then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 2A of chapter 5 of the acts of 2019 is hereby amended by striking out item 8100-1014, as amended by section 40 of chapter 142 of the acts of 2019, and inserting in place thereof the following item:—

8100-1014. For costs associated with the collection and testing of all previously untested investigatory sexual assault evidence kits by the crime laboratory within the department of state police or by an accredited private crime laboratory designated by the secretary of public safety and security; provided, that all previously untested investigatory sexual assault evidence kits shall be tested within 180 days of the effective date of this act; provided further, that for the purposes of this item, ‘previously untested investigatory sexual assault evidence kits’ shall mean any sexual assault evidence kit or additional evidence collected contemporaneously with such kit that has not been subjected to a forensic DNA analysis intended to develop an autosomal DNA profile that is eligible for entry into CODIS and the state DNA databases; and provided further, that any unexpended funds in this item shall not revert but shall be made available for the purposes of this item until June 30, 2022.....\$8,000,000.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, all previously untested investigatory sexual assault evidence kits which contain quantity limited evidence, as defined in 515 CMR 8.02, shall be identified by the state police crime laboratory within 90 days of the effective date of this act. Within said 90-day period, the state police crime laboratory shall notify the relevant prosecuting district attorney’s office and each district attorney’s office shall notify individuals who submitted to a sexual assault evidence kit if: (i) their kits contain quantity limited evidence; and (ii) the district attorney’s office has not authorized the state police crime laboratory to proceed with testing.

(b) Notwithstanding any general or special law to the contrary, all previously untested investigatory sexual assault evidence kits which are not identified by the state police crime laboratory as quantity limited evidence, as defined in 515 CMR 8.02, in accordance with subsection (a), shall be transferred within 180 days of the effective date of this act to an accredited public or private crime laboratory designated by the secretary of public safety and security for testing; provided, that the district attorney shall provide notice to individuals who submitted to the sexual assault evidence kit that their kits have been so transferred; provided further, that for untested investigatory sexual assault evidence kits associated with a case which has resulted in a conviction or a guilty plea, the district attorney for the district in which the case was prosecuted shall contact the individual who submitted to a sexual assault evidence kit and obtain consent to test the kit notwithstanding the conviction or guilty plea.

(c) Not later than January 1, 2022, and quarterly thereafter, the executive office of public safety and security shall file a report with the clerks of the house of representatives and senate and the joint committee on public safety and homeland security on the status of testing untested investigatory sexual assault evidence kits, which shall include, but not be limited to, the following information: (i) the number of untested investigatory sexual assault evidence kits in the possession of public crime laboratories prior to the effective date of this act; (ii) the year each kit was collected; (iii) the date each kit was tested; and (iv) the date the resulting information was entered into CODIS and the state DNA databases. The initial report, and all subsequent reports, shall be made publicly available on the executive office's website not later than January 1, 2022, and quarterly thereafter.

(d) For the purposes of this section, 'untested investigatory sexual assault evidence kits' shall mean any sexual assault evidence kit or additional evidence collected contemporaneously with such kit that has not been subjected to a forensic DNA analysis intended to develop an autosomal DNA profile that is eligible for entry into CODIS and the state DNA databases.

SECTION 3. This act shall take effect as of July 1, 2021."

The amendment was adopted. Sent to the Senate for its action.

The engrossed Bill providing operating assistance to regional transit authorities (see House, No. 4014), being a printed copy of Section 113 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment N of House, No. 4019), was considered.

Regional
transit
authorities.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding any special or general law to the contrary, for fiscal year 2022, of the \$90,500,000 transferred in item 1595-6370 of section 2E of chapter 24 of the acts of 2021, \$87,000,000 shall be considered operating assistance and distributed to regional transit authorities as determined by a formula that is based upon clearly established metrics and principles and that has been agreed to by each regional transit authority and approved by the Massachusetts Department of Transportation, hereinafter referred to as the department. The operating assistance distributed shall be spent to advance the goals and targets as agreed to in an updated FY22 Bilateral Memoranda of Understanding, which shall also consider each regional transit authority's comprehensive regional transit plan, and shall be entered into by

each regional transit authority and the department. Of the amount to be distributed under said item 1595-6370 of said section 2E of said chapter 24, \$3,500,000 shall be distributed as performance grants to regional transit authorities. The performance grants shall be distributed to regional transit authorities that best demonstrate compliance with, or a commitment to, the service decisions, quality of service and environmental sustainability recommendations from the report of the task force on regional transit authority performance and funding established pursuant to section 72 of chapter 154 of the acts of 2018. The department may require each regional transit authority to provide data on ridership, customer service and satisfaction, asset management and financial performance, including farebox recovery, and shall compile any collected data into a report on the performance of regional transit authorities and each authority's progress toward meeting the performance metrics established in the memorandum of understanding. The report shall be filed with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation not later than December 31, 2021.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to the distribution of certain grants to regional tourism councils (see House, No. 4015), being a printed copy of Sections 116 and 117 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment O of House, No. 4019), was considered.

Regional
tourism,—
grants.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding any other general or special law to the contrary, grants from the amounts collected pursuant to subsection (a) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils pursuant to clause (ii) of subsection (d) of said section 13T for fiscal year 2022 shall be distributed no later than September 30, 2021 pursuant to a transfer schedule determined by the executive office for administration and finance.

SECTION 2. Notwithstanding any other general or special law to the contrary, grants from the amounts collected pursuant to subsection (b) of section 13T of chapter 23A of the General Laws allocated to regional tourism councils pursuant to clause (ii) of subsection (d) of said section 13T for fiscal year 2021 shall be distributed no later than December 30, 2021 pursuant to a transfer schedule determined by the executive office for administration and finance.

SECTION 3. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

The engrossed Bill establishing a special legislative commission to study poverty in the Commonwealth (see House, No. 4016), being a printed copy of Section 128 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see

Poverty,—
commission.

House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment P of House, No. 4019), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“(a) There shall be a special commission established pursuant to section 2A of chapter 4 of the General Laws to study poverty in the commonwealth. The commission shall investigate, develop and recommend methods and strategies for reducing poverty and expanding opportunity for people with low incomes. The commission shall consist of: 1 member of the senate appointed by the senate president, who shall serve as co-chair; 1 member of the house of representatives appointed by the speaker of the house of representatives, who shall serve as co-chair; the chairs of the joint committee on children, families and persons with disabilities; the secretary of health and human services or a designee; 2 members appointed by the co-chairs who shall have expertise in economics and socio-economic policy; 1 member appointed by the Massachusetts Association for Community Action, Inc.; 1 member appointed by Massachusetts Municipal Association, Inc.; 1 member appointed by Massachusetts Association of Community Development Corporations; 1 member appointed by Massachusetts Law Reform Institute, Inc.; 1 member appointed by Massachusetts Association for Early Education & Care, Inc.; 1 member appointed by Citizens’ Housing and Planning Association, Inc.; 1 member appointed by Massachusetts Coalition for the Homeless, Inc.; 1 member appointed by Massachusetts Immigrant and Refugee Advocacy Coalition, Inc.; 1 member appointed by the United Way of Massachusetts Bay, Inc.; 1 member appointed by the Alliance for Business Leadership, Inc.; 1 member appointed by the Massachusetts Business Roundtable, Inc.; 1 member appointed by the Gerontology Institute at the University of Massachusetts Boston; 1 member appointed by Project Bread – The Walk for Hunger, Inc.; and 2 members who are not currently serving in public office to be appointed by the governor, 1 of whom shall be from a community foundation and 1 of whom shall be from a community-based organization. All appointments shall be made not later than 30 days after the effective date of this section. Members of the commission shall serve without compensation.

(b) The commission shall study ways to promote opportunity, address inequality and reduce poverty in the commonwealth. The commission shall make recommendations that, if implemented, would significantly reduce poverty in the commonwealth over the next 10 years. The study shall include, but not be limited to: (i) a historical analysis of poverty rates in the commonwealth; (ii) an analysis of demographic disparities in poverty rates including, but not limited to, any racial or ethnic disparities; (iii) an assessment of the underlying causes of poverty, including any specific issues that contribute to the disparities identified in clause (ii); (iv) an analysis of regional disparities in poverty rates in the commonwealth; and (v) a survey of existing public programs and services that most effectively reduce poverty both in the commonwealth and in other states. The commission’s recommendations may include proposed legislative and regulatory changes. Any such recommendations shall include, if feasible, the estimated costs to the commonwealth of implementing the recommendations; provided, however, that such estimated costs shall take into account any reductions in the utilization and costs of other programs and services provided or supported by the commonwealth.

(c) The commission shall meet not less than quarterly. The commission may consult and collaborate with relevant experts, community-based organizations, research institutes and state agencies. The commission shall conduct not fewer than 2 public hearings in geographically diverse areas of the commonwealth.

(d) Not later than December 31, 2022, the commission shall file a report of its findings, including any legislative or regulatory recommendations, with the clerks of the senate and the house of representatives, the joint committee on children, families and persons with disabilities, the joint committee on housing, the joint committee on education, the joint committee on community development and small businesses, the joint committee on economic development and emerging technologies, the joint committee on public health, the joint committee on racial equity, civil rights, and inclusion and the senate and house committees on ways and means. The commission may make interim reports as appropriate.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill establishing a special commission to examine the Department of Public Health’s nursing home licensure process and requirements (see House, No. 4017), being a printed copy of Section 129 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment Q of House, No. 4019), was considered.

Nursing
homes,—
licensure.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:—

SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section 71 and inserting in place thereof the following section:

Section 71. For purposes of this section and sections 71A½ to 73, inclusive, the following terms shall have the following meanings unless the context or subject matter clearly requires otherwise:

“Applicant”, any person who applies to the department for a license to establish or maintain and operate a long-term care facility.

“Charitable home for the aged”, any institution, however named, conducted for charitable purposes and maintained for the purpose of providing a retirement home for elderly persons and which may provide nursing care within the home for its residents.

“Convalescent or nursing home or skilled nursing facility”, any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for 4 or more persons admitted thereto for the purpose of nursing or convalescent care.

“Infirmity maintained in a town”, an infirmity which hitherto the department of transitional assistance has been directed to visit by section 7 of chapter 121.

“Intermediate care facility for persons with an intellectual disability”, any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the purpose of providing rehabilitative services and active treatment to persons with an intellectual disability or persons with related conditions, as defined in regulations promulgated pursuant to Title XIX of the federal Social Security Act (Public Law 89–97); which is not both owned and operated by a state agency; and which makes application to the department for a

license for the purpose of participating in the federal program established by said Title XIX.

“License”, an initial or renewal license to establish or maintain and operate a long-term care facility issued by the department.

“Licensee”, a person to whom a license to establish or maintain and operate a long-term care facility has been issued by the department.

“Long-term care facility”, a charitable home for the aged, a convalescent or nursing home, an infirmary maintained in a town, an intermediate care facility for persons with an intellectual disability or a rest home.

“Owner”, any person with an ownership interest of 5 per cent or more, or with a controlling interest in an applicant, potential transferee or the real property on which a long-term care facility is located provided that the real property owner is related to the applicant or potential transferee as defined in 42 CFR 413.17(b)

“Person”, an individual, a trust, estate, partnership, association, company or corporation.

“Potential transferee”, a person who submits to the department a notice of intent to acquire the facility operations of a currently operating long-term care facility.

“Rest home”, any institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing care incident to old age to 4 or more persons who are ambulatory and who need supervision.

“Transfer of facility operations”, a transfer of the operations of a currently operating long-term care facility from the current licensee of the long-term care facility to a potential transferee, pending licensure, pursuant to a written transfer of operations agreement.

To each applicant it deems suitable and responsible to establish or maintain and operate a long-term care facility and which meets all other requirements for long-term care facility licensure, the department shall issue for a term of 2 years, and shall renew for like terms, a license, subject to the restrictions set forth in this section or revocation by it for cause; provided, however, that each convalescent or nursing home and each intermediate care facility for persons with an intellectual disability shall be inspected at least once a year.

No license shall be issued to establish or maintain an intermediate care facility for persons with an intellectual disability, unless there is a determination by the department that there is a need for such facility at the designated location; provided, however, that in the case of a facility previously licensed as an intermediate care facility for persons with an intellectual disability in which there is a change in ownership, no such determination shall be required and in the case of a facility previously licensed as an intermediate care facility for persons with an intellectual disability in which there is a change in location, such determination shall be limited to consideration of the suitability of the new location.

In the case of the transfer of facility operations of a long-term care facility, a potential transferee shall submit a notice of intent to acquire to the department at least 90 days prior to the proposed transfer date. The notice of intent to acquire shall be on a form supplied by the department and shall be deemed complete upon submission of all information which the department requires on the notice of intent form and is reasonably necessary to carry out the purposes of this section. In the case of the transfer of facility operations of a long-term care facility, a potential transferee shall provide notice to the current staff of the facility and to the labor organizations that represents the facility’s workforce at the time the potential transferee submits a notice of intent to acquire, of the potential transferee’s plans regarding retaining the facility workforce, to recognize any current collective bargaining agreements or both.

No license shall be issued to an applicant and no potential transferee may submit an application for a license unless the department makes a determination that the applicant or potential transferee is responsible and suitable for licensure.

For purposes of this section, the department's determination of responsibility and suitability shall be limited to the following factors:

(i) the civil litigation history including litigation related to the operation of a long-term care facility, such as quality of care, safety of residents or staff, employment and labor issues, fraud, unfair or deceptive business practices, landlord/tenant issues, and the criminal history of the applicant or the potential transferee, including their respective owners, which may include pending or settled litigation or other court proceedings in the commonwealth and in other states. Any information related to criminal or civil litigation obtained by the department pursuant to this section shall be confidential and exempt from disclosure under clause Twenty-sixth of section 7 of chapter 4 and chapter 66.

(ii) the financial capacity of the applicant or potential transferee, including their respective owners, to establish or maintain and operate a long-term care facility, which may include any recorded liens and unpaid fees or taxes in the commonwealth and in other states.

(iii) the history of the applicant or potential transferee, including their respective owners, in providing long-term care in the commonwealth, measured by compliance with applicable statutes and regulations governing the operation of long-term care facilities; and

(iv) the history of the applicant or potential transferee, including their respective owners, in providing long-term care in states other than the commonwealth, if any, measured by compliance with the applicable statutes and regulations governing the operation of long term care facilities in said states.

With respect to potential transferees, upon determination by the department that a potential transferee is responsible and suitable for licensure, the potential transferee may file an application for a license. In the case of a potential transfer of facility operations, the filing of an application for a license shall have the effect of a license until the department takes final action on such application.

If the department determines that an applicant or potential transferee is not suitable and responsible, the department's determination shall take effect on the date of the department's notice. In such cases, the applicant or potential transferee shall upon the filing of a written request with the department be afforded an adjudicatory hearing pursuant to chapter 30A.

During the pendency of such appeal, the applicant or potential transferee shall not operate the facility as a licensee, or, without prior approval of the department, manage such facility.

Each applicant, potential transferee and licensee shall keep all information provided to the department current. After the applicant, potential transferee or licensee becomes aware of any change to information related to information it provided or is required to provide to the department, such person shall submit to the department written notice of the changes as soon as practicable and without unreasonable delay. Changes include, but are not limited to, changes in financial status, such as filing for bankruptcy, any default under a lending agreement or under a lease, the appointment of a receiver, or the recording of any lien. Failure to provide timely notice of such change may be subject to the remedies or sanctions available to the department under sections 71 to 73, inclusive.

An applicant, potential transferee or licensee and their respective owners shall be in compliance with all applicable federal, state and local laws, rules and regulations.

Prior to engaging a company to manage the long-term care facility, hereinafter a "management company", a licensee shall notify the department in writing of the name of and provide contact information for the proposed management company and any other information on the management company and its personnel that may be reasonably requested by the department. Any such engagement must be pursuant to a written agreement between the licensee and the management company. Such written agreement shall include a requirement that the management company and its personnel shall comply with all applicable federal, state and local laws, regulations and rules. Promptly after the effective date of any such agreement, the licensee shall provide to the department a copy of the valid, fully executed agreement. Any payment terms included in the agreement shall be confidential and exempt from disclosure under clause Twenty-sixth of section 7 of chapter 4 and chapter 66.

No license shall be issued hereunder unless there shall be first submitted to the department by the authorities in charge of the long-term care facility with respect to each building occupied by residents (1) a certificate of inspection of the egresses, the means of preventing the spread of fire and apparatus for extinguishing fire, issued by an inspector of the office of public safety and inspections of the division of professional licensure; provided, however, that with respect to convalescent or nursing homes only, the division of health care quality of the department of public health shall have sole authority to inspect for and issue such certificate, and (2) a certificate of inspection issued by the head of the local fire department certifying compliance with the local ordinances.

Any applicant who is aggrieved, on the basis of a written disapproval of a certificate of inspection by the head of the local fire department or by the office of public safety and inspections of the division of professional licensure, may, within 30 days from such disapproval, appeal in writing to the division of professional licensure. With respect to certificates of inspection that the division of health care quality of the department of public health has the sole authority to issue, an applicant may, within 30 days from disapproval of a certificate of inspection, appeal in writing to the department of public health only. Failure to either approve or disapprove within 30 days, after a written request by an applicant, shall be deemed a disapproval.

If the division of professional licensure or, where applicable, the department of public health approves the issuance of a certificate of inspection, it shall forthwith be issued by the agency that failed to approve. If said department disapproves, the applicant may appeal therefrom to the superior court. Failure of said department to either approve or disapprove the issuance of a certificate of inspection within 30 days after receipt of an appeal shall be deemed a disapproval. No license shall be issued by the department until issuance of an approved certificate of inspection, as required in this section.

Nothing in this section or in sections 72 or 73 shall be construed to revoke, supersede or otherwise affect any laws, ordinances, by-laws, rules or regulations relating to building, zoning, registration or maintenance of a long-term care facility.

For cause, the department may limit, restrict, suspend or revoke a license. Grounds for cause on which the department may take such action shall include substantial or sustained failure to provide adequate care to residents, or substantial or sustained failure to maintain compliance with applicable statutes, rules and regulations, or the lack of financial capacity to maintain and operate a long-term care facility. Limits or restrictions include requiring a facility to limit new admissions.

Suspension of a license includes suspending the license during a pending license revocation action, or suspending the license to permit the licensee a period of time, not shorter than 60 days, to wind down operations, and discharge and transfer, if applicable, all residents.

The department may, when public necessity and convenience require, or to prevent undue hardship to an applicant or licensee, under such rules and regulations as it may adopt, grant a temporary provisional or probationary license under this section; provided, however, that no such license shall be for a term exceeding 1 year.

With respect to an order to limit, restrict or suspend a license, within 7 days of receipt of the written order, the licensee may file a written request with the department for administrative reconsideration of the order or any portion thereof.

Upon a written request by a licensee who is aggrieved by the revocation of a license or the adoption of a probationary license, or by an applicant who is aggrieved by the refusal of the department to renew a license, the commissioner and the council shall hold a public hearing, after due notice, and thereafter they may modify, affirm or reverse the action of the department; provided, however, that the department may not refuse to renew and may not revoke the license of a long-term care facility until after a hearing before a hearings officer, and any such applicant so aggrieved shall have all the rights provided in chapter 30A with respect to adjudicatory proceedings.

In no case shall the revocation of such a license take effect in less than 30 days after written notification by the department to the licensee.

The fee for a license to establish or maintain or operate a long-term care facility shall be determined annually by the secretary of administration and finance pursuant to section 3B of chapter 7, and the license shall not be transferable or assignable and shall be issued only for the premises named in the application.

Nursing institutions licensed by the department of mental health, or the department of developmental services for persons with intellectual disabilities shall not be licensed or inspected by the department of public health. The inspections herein provided shall be in addition to any other inspections required by law.

In the case of new construction, or major addition, alteration, or repair with respect to any facility subject to this section, preliminary architectural plans and specifications and final architectural plans and specifications shall be submitted to a qualified person designated by the commissioner. Written approval of the final architectural plans and specifications shall be obtained from said person prior to said new construction, or major addition, alteration, or repair.

Notwithstanding any of the foregoing provisions of this section, no license to establish or maintain and operate a long-term care facility shall be issued by the department unless the applicant for such license submits to the department a certificate that each building to be occupied by patients of such convalescent or nursing home or skilled nursing facility meets the construction standards of the state building code, and is of at least type 1-B fireproof construction; provided, however, that this paragraph shall not apply in the instance of a transfer of facility operations of a convalescent or nursing home or skilled nursing facility whose license had not been revoked as of the time of such transfer; and provided, further, that a public medical institution as defined under section 2 of chapter 118E, which meets the construction standards as defined herein, shall not be denied a license as a nursing home under this section because it was not of new construction and designed for the purpose of operating a convalescent or nursing home or skilled nursing facility at the time of application for a license to operate a nursing home. An intermediate care facility for persons with an intellectual disability shall be required to meet the construction standards established for such facilities by Title XIX of the Social

Security Act (Public Law 89-97) and any regulations promulgated pursuant thereto, and by regulations promulgated by the department.

Every applicant for a license and every potential transferee shall provide on or with its application or notice of intent to acquire a sworn statement of the names and addresses of any owner as defined in this section. As used herein, the phrase “person with an ownership or control interest” shall have the definition set forth in 42 U.S.C. section 1320a-3 and in regulations promulgated hereunder by the department.

The department shall notify the secretary of elder affairs forthwith of the pendency of any proceeding of any public hearing or of any action to be taken under this section relating to any convalescent or nursing home, rest home, infirmary maintained in a town, or charitable home for the aged. The department shall notify the commissioner of mental health forthwith of the pendency of any proceeding, public hearing or of any action to be taken under this section relating to any intermediate care facility for persons with an intellectual disability.

SECTION 2. Said chapter 111 is hereby further amended by striking out section 72E and inserting in place thereof the following section:-

Section 72E. The department shall, after every inspection by its agent made under authority of section 72, give the licensee of the inspected long-term care facility notice in writing of every violation of the applicable statutes, rules and regulations of the department found upon said inspection. With respect to the date by which the licensee shall remedy or correct each violation, referred to in this section as the “correct by date”, the department in such notice shall specify a reasonable time, not more than 60 days after receipt thereof, by which time the licensee shall remedy or correct each violation cited therein or, in the case of any violation which in the opinion of the department is not reasonably capable of correction within 60 days, the department shall require only that the licensee submit a written plan for the timely correction of the violation in a reasonable manner. The department may modify any nonconforming plan upon notice in writing to the licensee.

Absent good faith efforts to remedy or correct, failure to remedy or correct a cited violation by the agreed upon correct by date shall be cause to pursue or impose the remedies or sanctions available to it under sections 71 to 73, inclusive, unless the licensee shall demonstrate to the satisfaction of the department or the court, as the case may be, that such failure was not due to any neglect of its duty and occurred despite an attempt in good faith to make correction by the agreed upon correct by date. The department may pursue or impose any remedy or sanction or combination of remedies or sanctions available to it under said sections 71 to 73, inclusive. An aggrieved licensee may pursue the remedies available to it under said sections 71 to 73, inclusive.

In addition, if the licensee fails to maintain substantial or sustained compliance with applicable statutes, rules and regulations, in addition to imposing any of the other remedies or sanctions available to it, the department may require the licensee to engage, at the licensee’s own expense, a temporary manager to assist the licensee with bringing the facility into substantial compliance and with sustaining such compliance. Such manager is subject to the department’s approval, provided that such approval shall not be unreasonably withheld. Any such engagement of a temporary manager shall be for a period of not less than 3 months and shall be pursuant to a written agreement between the licensee and the management company. A copy of such agreement shall be provided by the licensee to the department promptly after execution. Any payment terms included in the agreement shall be confidential and exempt from disclosure under clause Twenty-sixth of section 7 of chapter 4 and chapter 66.

Nothing in this section shall be construed to prohibit the department from enforcing a statute, rule or regulation, administratively or in court, without first affording formal opportunity to make correction under this section, where, in the opinion of the department, the violation of such statute, rule or regulation jeopardizes the health or safety of residents or the public or seriously limits the capacity of a licensee to provide adequate care, or where the violation of such statute, rule or regulation is the second such violation occurring during a period of 12 full months.

SECTION 3. Said chapter 111 is hereby further amended by striking out section 73 and inserting in place thereof the following section:

Section 73. Whoever advertises, announces, establishes or maintains, or is concerned in establishing or maintaining a long-term care facility, or is engaged in any such business, without a license granted under section 71, or whoever being licensed under said section 71 violates any provision of sections 71 to 73, inclusive, shall for a first offense be punished by a fine of not more than \$1,000, and for a subsequent offense by a fine of not more than \$2,000 or by imprisonment for not more than 2 years.

Whoever violates any rule or regulation made under sections 71, 72 and 72C shall be punished by such fine, not to exceed \$500, as the department may establish. If any person violates any such rule or regulation by allowing a condition to exist which may be corrected or remedied, the department shall order him, in writing, to correct or remedy such condition, and if such person fails or refuses to comply with such order by the agreed upon correct by date, as defined in section 72E, each day after the agreed upon correct by date during which such failure or refusal to comply continues shall constitute a separate offense. A failure to pay the fine imposed by this section shall be a violation of this section.

SECTION 4. (a) There shall be a special commission to examine the department of public health's nursing home licensure process and requirements. The commission shall consist of the following 15 members: the commissioner of public health, or a designee, who shall serve as chair; the chairs of the joint committee of public health; the chairs of the joint committee on elder affairs; the secretary of elder affairs, or a designee; the secretary of health and human services, or a designee; the assistant secretary for MassHealth, or a designee; and 7 persons to be appointed by the governor, 1 of whom shall be a representative of the Massachusetts Senior Care Association, Inc., 1 of whom shall be a representative of LeadingAge Massachusetts, Inc., 1 of whom shall be a representative of Massachusetts Association of Residential Care Homes, Inc., 1 of whom shall be a representative of the Massachusetts Senior Action Council, Inc., 1 of whom shall be a representative of 1199 SEIU United Health Care Workers East, 1 of whom shall be a representative of the Massachusetts chapter of AARP and 1 of whom shall be an expert on long-term care and aging policy. In making appointments, the governor shall, to the maximum extent feasible, ensure that the commission represents a broad distribution of diverse perspectives and geographic regions throughout the commonwealth.

(b) The commission shall review current licensure requirements for nursing homes in the commonwealth, current licensure practices for other healthcare industries in the commonwealth and successful nursing home licensure programs in other states and best practices. The commission shall make recommendations to modify nursing home licensure requirements including, but not limited to: (i) strengthening suitability review; (ii) improving processes for review of new owners; and (iii) increasing transparency of the department of public health's licensure and suitability determination process. The commission shall make recommendations

based on successful licensure programs in other healthcare industries in the commonwealth and other successful licensing programs in other states.

(c) The commission shall hold not less than 3 public meetings in different geographic regions throughout the commonwealth and solicit feedback from various stakeholders.

(d) Not later than October 1, 2023, the commission shall submit a report and recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on public health.; and

By striking out the title and inserting in place thereof the following title: “An Act regulating long-term care facilities”; and the report was accepted.

The amendments recommended by the Governor (as approved by the committee on Bills in the Third Reading) then were rejected. Sent to the Senate for its action.

The engrossed Bill establishing a higher education affordability task force (see House, No. 4018), being a printed copy of Section 135 contained in the engrossed Bill making appropriations for the fiscal year 2022 (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment R of House, No. 4019), was considered.

Higher
education,—
task force.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The board of higher education shall convene a task force to evaluate the financing of public higher education in the commonwealth. The evaluation may include: (i) current and projected trends in student enrollment and demographics; (ii) the financial health and sustainability of higher education institutions in light of demographic changes and competitive pressures; (iii) current cost drivers in higher education and the distinctions between community colleges, four-year undergraduate institutions, and research universities, and between rural and urban campuses; (iv) the impact of the COVID-19 pandemic on the stability of higher education institutions; (v) approaches to higher education finance and financial aid in other states and their impact on access, completion, and equity; (vi) the extent to which the cost of college is reducing attendance and completion, and increasing the level of student debt; (vii) the potential impact of performance incentives and enrollment-based funding formulas on fiscal stability, workforce alignment, affordability, and student outcomes.

The task force shall consist of the commissioner of the department or his designee, members of the board, representatives from Massachusetts public colleges, 1 or more students currently enrolled in a public college, and outside experts. The task force shall present its findings and recommendations to the board of higher education, and the board shall file a report of its evaluation to the joint committee on higher education and the house and senate committees on ways and means by June 30, 2022.

SECTION 2. This act shall take effect as of July 1, 2021.”; and the report was accepted.

The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

Order.

On motion of Mr. Mariano of Quincy,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

At twenty-one minutes after seven o'clock P.M., on motion of Mrs. Ferguson of Holden (Ms. Hogan of Stow being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.